

Notice of Allowability

Application No.

10/625,812

Examiner

Antonio A. Caschera

Applicant(s)

CLARK ET AL.

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 07/11/07.
2. ☒ The allowed claim(s) is/are 1-7, 10-26, 29-38, 40 and 43-47.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Raczkowski on 09/06/07 and 09/12/07. The substance of the interview can be found in the attached interview summary form.

The application has been amended as follows:

LISTING OF CLAIMS:

1-7. *(Previously Presented)*

8. *(Canceled)*

9. *(Canceled)*

10-26. *(Previously Presented)*

27. *(Canceled)*

28. *(Canceled)*

29-35. *(Previously Presented)*

36. *(Currently Amended)* ~~A computer program product comprising:~~ *a computer readable medium encoded with program code for controlling operation of a computer system to generate a luminosity compensated image, the program code including:*

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program code for defining a luminosity texture that includes a scaling factor for each of a plurality of luminosity texels;

program code for converting pixel color values of an underlying image to an image texture having a plurality of image texels;

program code for blending the image texture onto a surface having a shape;

program code for blending the luminosity texture onto the target surface, thereby generating luminosity compensated pixel data for the image;

program code for providing a user interface enabling a user to modify the shape of the target surface; and

program code for updating the scaling factor for each luminosity texel based on the modified shape of the target surface.

37. (Currently Amended) The computer ~~program product~~ readable medium of claim 36, wherein the computer readable medium comprises a magnetic storage medium encoded with the program code.

38. (Currently Amended) The computer ~~program product~~ readable medium of claim 36, wherein the computer readable medium comprises an optical storage medium encoded with the program code.

39. (Canceled)

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40. *(Currently Amended) The computer-program-product readable medium of claim 36, wherein the program code further includes program code for providing a user interface enabling a user to define the luminosity texture.*

41. *(Canceled)*

42. *(Canceled)*

43-46. *(Previously Presented)*

47. *(Currently Amended) The computer-program-product readable medium of claim 36, wherein the updated luminosity texels provide a second image with a more uniform brightness from one edge of the second image to another edge of the second image.*

Response to Arguments

2. Applicant's arguments, see page 9-10 of Applicant's Remarks, filed 07/11/07, with respect to the 35 USC 101 rejection of claims 1-7 and 10-21 have been fully considered and are persuasive. The 35 USC 101 rejection of the claims has been withdrawn. Note, the interviews conducted on 09/06/07 and 09/12/07 further served in remedying the issues regarding claims 36-40 and 47 and further discussed the agreement of canceling claim 39. Therefore all claims are in condition for allowance.

Allowable Subject Matter

3. Claims 1-7, 10-26, 29-38, 40 and 43-47 are allowed.

The following is an examiner's statement of reasons for allowance:

In reference to claim 1, the prior art of record does not explicitly disclose blending each of the image texture and the luminosity texture onto a target surface having a shape while allowing a user to modify the shape of the target surface and updating the luminosity texture in response to the user modification in combination with the further limitations of claim 1.

In reference to claims 2-7, 10-21, 43 and 44, claims 2-7, 10-21, 43 and 44 depend upon allowable claim 1 and are therefore also deemed allowable.

In reference to claim 22, the prior art of record does not explicitly disclose a multistage texture blending module configured to blend each of the image texture and the luminosity texture onto a target surface having a shape, a user interface module configured to receive a user instruction modifying the shape of the target surface and updating the luminosity texture in response to the user instruction in combination with the further limitations of claim 22.

In reference to claims 23-26, 29-35, 45 and 46, claims 23-26, 29-35, 45 and 46 depend upon allowable claim 22 and are therefore also deemed allowable.

In reference to claim 36, the prior art of record does not explicitly disclose program code blending each of the image texture and the luminosity texture onto a target surface having a shape while supplying program code allowing a user to modify the shape of the target surface and program code for updating the luminosity texture in response to the user modification in combination with the further limitations of claim 36.

In reference to claims 37, 38, 40 and 47, claims 37, 38, 40 and 47 depend upon allowable claim 36 and are therefore also deemed allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung, can be reached at (571) 272-7794.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

571-273-8300 (Central Fax)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (571) 272-2600.

aac


9/12/07

Antonio Caschera
Patent Examiner



KEE M. TUNG
SUPERVISORY PATENT EXAMINER